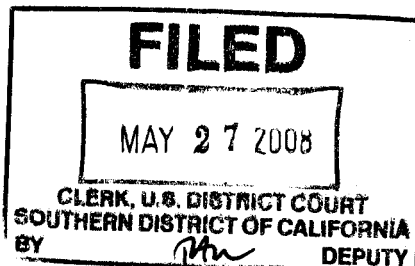


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan REYES-Hernandez,

Defendant.

Mag. Case No.

'08 MJ 8467

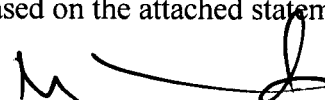
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found In the
United States

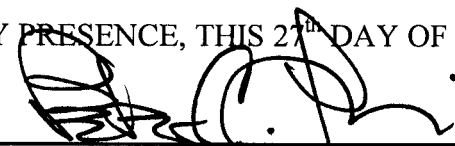
The undersigned complainant being duly sworn states:

On or about May 24, 2008, within the Southern District of California, defendant Juan REYES-Hernandez, an alien, who previously had been excluded, deported or removed from the United States to Honduras was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF MAY 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

I, Border Patrol Agent Mikusti declare under penalty of Perjury, the following is true and correct.

PROBABLE CAUSE STATEMENT

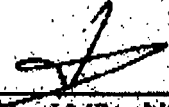
The complainant states that this complaint is based upon the investigative reports of Border Patrol Agent S. Klatil, that the Defendant, Juan REYES-Hernandez, a citizen of Honduras was found and arrested on May 24, 2008, near Niland, California.

On May 24, 2008, at approximately 7:00 P.M., Agent Klatil encountered an individual, later identified as Juan REYES-Hernandez, on a northbound train near Niland, California. As Agent Klatil approached REYES he identified himself and questioned REYES. It was determined REYES is a citizen of Honduras illegally in the United States. REYES was arrested.

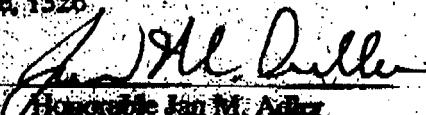
At the Station, a record check of REYES revealed he was previously ordered removed from the United States on April 26, 2007. A further record check revealed REYES has a serious criminal history.


There is no evidence REYES has applied for or received permission from the United States Attorney General or the Secretary of Homeland Security to re-enter the United States after being removed.

Executed on May 25, 2008, at 8:00 A.M.


Michael Mikusti
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on May 24, 2008 in violation of Title 8, United States Code, 1326.


Honorable Jan M. Adler
United States Magistrate Judge


Date/Time